

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE: ERIC DOUGLAS REAVES AND
MARIA SOLEDAD REAVES,

Case No. 6:08-bk-06647-KSJ

Debtors.

Chapter 7

FIRST NATIONAL BANK OF OMAHA
1620 Dodge Street, Stop 3105
Omaha, Nebraska 68197,

A.P. No. 6:08-ap-00200-KSJ

Plaintiff,

Related Document:
Docket Entry No. 1

v.

ERIC DOUGLAS REAVES
13697 Crystal River Drive
Orlando, Florida 32828,

Defendant.

CONSENT JUDGMENT EXCEPTING DEBT FROM DISCHARGE

First National Bank of Omaha, by its attorney, having filed an Adversary Proceeding Complaint (Docket Entry No. 1), seeking an Order pursuant to 11 U.S.C. §523(a)(2)(A) that the Defendant's indebtedness to the Plaintiff is an exception to discharge, with interest from July 31, 2008, plus the Plaintiff's costs and disbursements incurred for this action, and the Defendant, having appeared by his attorney, Jeanne A. Kraft, Esq., and the abovementioned parties having subsequently entered into negotiations resulting in the agreement set forth herein, and having consented to the entry of this Judgment, however, the entering into this settlement shall not be deemed an admission of any fraud or wrongdoing by the Defendant, and upon all papers and proceedings had herein, and after due deliberation, it is hereby

ORDERED, DECREED, AND ADJUDGED as follows:

1. Judgment be entered in favor of the Plaintiff and against the Defendant in the sum of \$4,676.30, plus interest at the annual rate of 9% from July 31, 2008,

2. The Judgment shall be nondischargeable pursuant to 11 U.S.C. §523(a)(2)(A), and will survive any Order of discharge in this and any subsequent bankruptcy case,

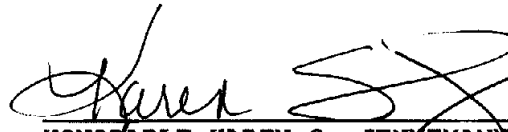
3. Execution of said Judgment shall be stayed unless and until the Defendant fails to pay to the Plaintiff the sum of \$3,700.00 (without interest), payable at \$100.00 a month, with the first payment being due by June 1, 2009, and each subsequent payment being due by the first day of each and every month thereafter until the entire amount set forth in this paragraph has been paid in full; Although the due date for each monthly payment is the first day of each month, the Defendant shall have until the fifteenth day of each month to make the monthly payment; The Defendant shall have the right to prepay at any time, without penalty, the unpaid balance of the settlement amount set forth in this paragraph,

4. If the Defendant fails to make any of the payments within fifteen days of the dates specified in paragraph 3 above, the Stay of Execution shall be immediately dissolved, and the Plaintiff may forthwith seek to execute upon the total amount of the Judgment, less any payments actually made, using all lawful processes, however, prior to the Plaintiff executing upon the Judgment, the Plaintiff shall provide written notice of the Defendant's default to the Defendant by regular mail with a copy to the Defendant's attorney by facsimile, and the Defendant shall have ten days from

the date of said written notice being mailed and faxed, to cure said default, and if the Defendant fails to timely cure the default, the Plaintiff may execute upon the Judgment without providing any additional notices or opportunities to cure, and

5. If the Defendant makes all payments specified in paragraph 3 above, the Judgment will be satisfied in full.

DATED: June 24, 2009


HONORABLE KAREN S. JENNEMANN
UNITED STATES BANKRUPTCY JUDGE
MIDDLE DISTRICT OF FLORIDA

The parties having reviewed the abovementioned Judgment, consent to this Court entering this Judgment as settlement of this Adversary Proceeding.

/s/ Eric Douglas Reaves
Eric Douglas Reaves
Defendant

/s/ Jeanne A. Kraft
Jeanne A. Kraft, Esq., No. 0519324
Attorney for Defendant
Wolff, Hill, McFarlin & Herron PA
1851 West Colonial Drive
Orlando, Florida 32804
Telephone: 407-648-0058
Facsimile: 407-648-0681
Email: jkraft@whmh.com

/s/ Mark S. Kessler
Mark S. Kessler, Esq., No. 258326
Attorney for Plaintiff
Mark S. Kessler, P.A.
331 E. Union Street
Jacksonville, FL 32202
Telephone: 904-350-0060
Facsimile: 904-350-9906
Email: APKSM@aol.com

Copies to:

Eric Douglas Reaves
13697 Crystal River Drive
Orlando, Florida 32828

Jeanne A. Kraft, Esquire
Attorney for Defendant
1851 West Colonial Drive
Orlando, Florida 32804

Mark S. Kessler, Esquire
Attorney for Plaintiff
331 E. Union Street
Jacksonville, FL 32202